REMARKS/ARGUMENTS

The preceding amendments and following remarks are submitted in response to the Final Office Action mailed June 2, 2006, setting a three month shortened statutory response ending September 2, 2006. Claims 1-44 remain pending in this Application. Reconsideration, examination and allowance of all pending claims are respectfully requested.

35 U.S.C. § 102 Rejections

In paragraph 7 of the Final Office Action, the Examiner rejected claims 1, 4-6, 9, 13-17, 19, 20, 22-24, 26-28, 30, 31, 33, 34, 36, 37, 39-41, and 43-44 under 35 U.S.C. § 102(e) as being anticipated by Rosen (U.S. Patent No. 6,824,069). Applicants must respectfully disagree.

Independent method claims 1, 24, and 37 recite, in part, method steps of providing interview questions or queries to a user via a user interface. Independent controller claims 16 and 31 recite, in part, a user interface, and claim 23 recites a user interface means, adapted and configured to provide interview questions to a user. Rosen does not appear to teach such a method step or user interface.

The Examiner has not indicated specifically which portion of Rosen is seen as anticipating the claimed method step or user interface, pointing to the abstract in general. The abstract of Rosen, and also the entire disclosure, appear to disclose a method in which alphanumeric messages explaining the function of a button are displayed, and the user is invited to push an appropriate button to make a desired change. In particular, Rosen states, "A user is invited, if desired, to touch the 'PGM" button 32 to change the current time", "display of FIG. 4 invites a user to select one of four available actions", "he is unmistakably directed to touch", "user is prompted to, by the alphanumeric message above the 'NEXT' button 37, to touch", "the user is directed to touch 'RUN" button 42", "then touches the 'NEXT' button 61 as invited by the alphanumeric message presented above that button", and "message invites the user to touch the 'PGM' button 32V". (Emphasis added; see column 5, lines 22-24, 31-32, 57-58, 66 through column 6, line 1, and column 6, lines 19, 31-33, 62-63). Rosen thus appears to provides messages on the display instructing or inviting the user to push various buttons or portions of the

touch-screen in order to advance through menus or make changes to the program. Rosen does not, however, appear to provide <u>questions</u> to the user, for which the user would provide a response, as is recited in the claims.

Applicants submit that the instruction or invitation to push a button taught by Rosen do not anticipate the <u>questions</u> provided by the methods and controllers as claimed. One of ordinary skill in the art would understand that, in the method and system of Rosen, the user is provided with <u>directions</u> regarding which buttons to push for various functions, thus <u>telling</u> the user what to do. The claimed methods and controllers, however, provide questions to the user, and asking or eliciting an answer from the user to the <u>question</u>.

The Examiner asserts that Rosen teaches a user interface providing at least two or more programming steps asking for the times and temperatures, pointing to FIGS. 5-10 for support. A careful review of the figures reveals, however, that the user interface provides <u>instructions</u> to the user, and does not ask questions. The user interface illustrated in FIG. 5 shows the message "SET BEGINNING TIME FOR PERIOD 1 THEN TOUCH 'NEXT'". FIGS. 6-10 show similar messages all of which <u>provide instructions</u> to the user, but do not provide <u>questions</u>, as is recited in the claims. Merriam-Webster's Online Dictionary defines the word question as "an interrogative sentence or clause". Applicants submit that the instructions provided by the method and system of Rosen are not <u>questions</u> as recited in the claims.

Regarding claims 4-6 and 26, 27, the Examiner asserts that Rosen teaches providing one or more interview questions that are natural language questions or phrases having three or more words, pointing to FIGS. 5-10 and column 5, line 56 to column 6, line 41 for support. As discussed above, FIGS. 5-10 of Rosen show <u>instructions</u> provided on the user interface, <u>telling the user what to do</u> in order to achieve a desired result. The user interface is not shown providing <u>questions</u> to the user. Column 5, line 56 through column 6, line 41 of Rosen states:

> Accordingly, if a user wishes, from the menu shown in FIG. 4, to change the period times, <u>he is unmistakably directed to touch</u> the "PRD" button 33. In response, the processor 1 causes a lower level menu such as that shown in FIG. 5 to be displayed to begin setting the discrete periods during which different temperature set points may be established. Assuming in the example that four

periods are available, a user may set the beginning of "Period 1" to any time of day by using the "UP" button 38A and/or the "DN" button 39A until, say, 11:00 PM is shown in the prominent time display to the left of the buttons 38A, 39A. The user is prompted to, by the alphanumeric message above the "NEXT" button 37, to touch the "NEXT" button 37 after the beginning time for "Period 1" has been established. Touching the NEXT button 37 causes the processor to present the slightly different display shown in FIG. 6 from which the ending time for "Period 1" may be set. This step, in the example, also establishes the beginning time for "Period 2". After setting the ending time for "Period 1" by selectively touching the "UP" button 38B and/or the "DN" button 39B until, say, 6:30 AM is reached, the user touches the "NEXT" button 40 to bring up an almost identical display (not shown) for setting the ending time for "PERIOD 2" to, say, 4:30 PM which also sets the beginning time for "Period 3" and then proceeds to the screen shown in FIG. 7. From the menu shown in FIG. 7, the user sets, using buttons 38D, 39D, the ending time, say 9:30 PM, for "Period 3" which also establishes the beginning time for "Period 4". (The ending time for "Period 4" is the same as the already entered beginning time for "Period 1".) After this information as been entered, the user is directed to touch "RUN" button 42 which returns the thermostat system to normal operation and again brings up the menu shown in FIG. 3.

If a user wishes to change the temperature set point in any of the exemplary four periods, the "PGM" button 32 is touched to move to the menu of FIG. 4 and the "TEMP" button 34 is touched as urged by the relevant alphanumeric message and, if provided, the icon indicator arrow 34A. The menu shown in FIG. 8 appears in response and in which the current set point for "Period 1", 68.degree. F. in the example, is prominently shown. The user touches the "UP" button 51A and/or the "Down" button 52A as necessary to set a new set point for this period and then touches the "NEXT" button 61 as invited by the alphanumeric message presented above that button. Almost identical (only the alphanumeric message being suitably revised) menus (not shown) successively appear for making the corresponding adjustments to the set points for "Period 2" and "Period 3" after which the menu shown in FIG. 9 appears. After the set point is adjusted for "Period 4" by touching the buttons 54A, 54B as necessary, the user is invited to touch the "RUN" button 64 which will again return the system to normal operation with the menu shown in FIG. 3 presented.

(Emphasis added). Rosen thus appears to describe the user interface as directing, prompting, and inviting the user to touch various regions on the display in order to program the controller. Rosen does not appear to teach any step of providing one or more interview questions that are

natural language questions, or phrases, as recited in the claims. Applicants submit that one of ordinary skill in the art would not interpret the directing, prompting, and inviting statements of Rosen as being questions.

Rosen does not appear to teach each and every element of independent claims 1, 16, 23, 24, 31, or 37 and thus cannot be seen to anticipate the claims. Additionally, dependent claims 4-6, 9, 13-15, 17, 19, 20, 22, 26-28, 30, 33, 34, 36, 39-41, 43, and 44 recite further elements not taught by Rosen and are thus also not anticipated by Rosen.
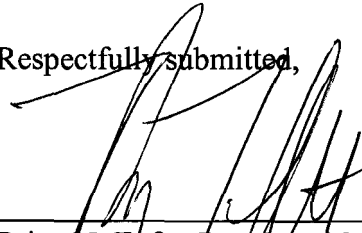
35 U.S.C. § 103 Rejections

In paragraph 8 of the Final Office Action, the Examiner rejected claims 2, 3, 7, 8, 18, 25, 32, and 38 under 35 U.S.C. § 103(a) as being unpatentable over Rosen in view of Hoog (U.S. Patent Application No. 2004/0193324). In paragraph 9 of the Office Action, the Examiner rejected claims 10-12, 21, 29, 35, and 42 under 35 U.S.C. § 103(a) as being unpatentable over Rosen in view of Bennett (U.S. Patent No. 5,877,957).

For at least the reasons provided above, Applicants respectfully submit that Rosen does not appear to teach or suggest the basic elements of independent claims 1, 16, 24, 31, and 37. Neither Hoog nor Bennett appear to provide what Rosen lacks. For these and other reasons, dependent claims 2, 3, 7, 8, 10-12, 18, 21, 25, 29, 32, 35, 38, and 42 are believed to be clearly patentable over Rosen either alone or in combination with Hoog or Bennett.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, and issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 359-9348.

Respectfully submitted,

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